

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11807 MLW

NEW CINGULAR WIRELESS, PCS, LLC  
and EASTERN TOWERS, LLC,

Plaintiffs,

v.

TOWN OF WAYLAND, MASSACHUSETTS,  
BOARD OF APPEALS of the TOWN OF  
WAYLAND and JAMES E. GRUMBACH, ERIC B.  
GOLDBERG, STEVEN FUGARAZZO, LAWRENCE K.  
GLICK, SUSAN KOFFMAN, SHAUNT SORIAN,  
ADIA GENNIS, LINDA SEGAL, as they are members  
and alternate members of the Board,

Defendants.

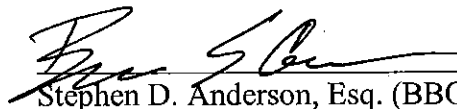
**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65(a), AT&T Wireless PCS, LLC, now known as New Cingular Wireless, PCS, LLC, ("AT&T Wireless") and Eastern Towers, LLC ("Eastern") move for a preliminary injunction ordering the Town of Wayland ("Town") to grant the necessary zoning permits for a communications installation at 137 Boston Post Road, Wayland, Massachusetts (the "Site") under Section 704 of the Telecommunications Act of 1996, Pub. L. No. 104-104 ("the TCA"), codified at 47 U.S.C. § 332(c). As grounds for this motion, AT&T Wireless and Eastern state that they will suffer irreparable harm in the absence of preliminary relief, they have a substantial likelihood of success on the merits, the Town will not suffer irreparable harm if preliminary relief is granted, and the public interest in provision of wireless communications services, as expressed in the TCA, favors granting the motion. They rely upon the accompanying

services, as expressed in the TCA, favors granting the motion. They rely upon the accompanying Memorandum In Support of Plaintiffs' Motion for a Preliminary Injunction and the following affidavits:

- Affidavit of Timothy Wysocki;
- Second Affidavit of Timothy Wysocki to Address Cingular Network;
- Affidavit of Chris Dwight and Chris Hesse
- Authentication Affidavit of Brian S. Grossman, Esq.
- The Certified Administrative Record filed by the Town of Wayland.

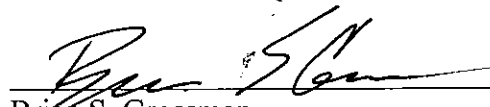
By its attorneys,

  
Stephen D. Anderson, Esq. (BBO # 018700)  
Douglas H. Wilkins, Esq. (BBO # 528000)  
Brian S. Grossman, Esq. (BBO # 64159)  
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Cambridge, MA 02141  
(617) 252-6575

Dated: April 19, 2005

#### **CERTIFICATE OF SERVICE**

I certify that I served a copy of the foregoing on the defendants by causing a copy to be mailed to their counsel of record listed below on this 19th day of April, 2005.

  
Brian S. Grossman